

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

In re:)
RS FIT NW LLC,) Chapter 11
Debtor.) Case No. 20-11568 (KBO)
) (Jointly Administered)
)
24 HOUR FITNESS WORLDWIDE, INC.,)
Plaintiff,)
v.)
CONTINENTAL CASUALTY COMPANY;) Adv. Pro. No. 20-51051 (KBO)
ENDURANCE AMERICAN SPECIALTY)
INSURANCE COMPANY; STARR SURPLUS)
LINES INSURANCE COMPANY; ALLIANZ)
GLOBAL RISKS US INSURANCE COMPANY;)
LIBERTY MUTUAL INSURANCE COMPANY;)
BEAZLEY-LLOYD'S SYNDICATES 2623/623;)
ALLIED WORLD NATIONAL ASSURANCE)
COMPANY; QBE SPECIALTY INSURANCE)
COMPANY; and GENERAL SECURITY)
INDEMNITY COMPANY OF ARIZONA,)
Defendants.)
)

**PROPERTY INSURER DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND
INCORPORATED MEMORANDUM OF LAW**

EXHIBIT A-19

Excerpts from the Deposition of Dan Larson (4/28/2022)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

-----x
In re: Chapter 11
Case No. 20-11558
(KBO)

24 HOUR FITNESS WORLDWIDE,
INC., et al.,

Debtors.

-----x
24 HOUR FITNESS WORLDWIDE, INC.,

Plaintiff,

v. Adv. Pro. No.
20-51051 (KBO)

CONTINENTAL CASUALTY COMPANY;
ENDURANCE AMERICAN SPECIALTY
INSURANCE COMPANY; STARR SURPLUS
LINES INSURANCE COMPANY; ALLIANZ
GLOBAL RISKS US INSURANCE COMPANY;
LIBERTY MUTUAL INSURANCE COMPANY;
BEAZLEY-LLOYD'S SYNDICATES 2623/623;
ALLIED WORLD NATIONAL ASSURANCE
COMPANY; QBE SPECIALTY INSURANCE
COMPANY; and GENERAL SECURITY
INDEMNITY COMPANY OF ARIZONA,

Defendants.

-----x
DATE: April 28, 2022

TIME: 2:52 p.m.

Video-recorded Deposition of DAN
LARSON, on behalf of 24 Hour Fitness
Worldwide, Inc., taken by counsel for
defendant, held via Zoom videoconference,
before Roberta Caiola, a Notary Public of
the State of New York.

1 Dan Larson
2 You were involved, I believe, in
3 discussions about what procedures should be
4 put in place when clubs were reopened; is
5 that correct?

6 A. That is accurate.

7 Q. I'm going to ask if you can

8 take out what was marked as Exhibit I that

9 we sent you and we'll mark this as number?

10 MR. O'CARROLL: 7.

11 MR. DENN: 7.

12 (Larson Exhibit 7, Emails)

13 Bates-stamped 24HF Production 0034026

14 to 24HF Production 0034030 marked

15 for identification.)

16 A T need to review it so please

17 give me a little more time

18 0 Sure

19 (Witness reviewing document.)

20 A Okay. I feel comfortable.

31 | discussing this

So this is a series of proposed

23 procedures for staff to follow when

34 | reopening clubs that was sent to you for

25 | novi.vu: connect?

Dan Larson

2 A. I was cc'd on it, yes.

3 Q. But you're more than cc'd on
4 it, right, they address it to you?

5 A. Sorry, I misread the "to." I
6 was on the cc line here, my apologies.
7 Correct, it was directed to me

8 Q. And it actually says that the
9 document is based on conversations with
10 you; correct?

11 A. For the facilities staff, yes.

12 Q. Who is Adam Vanderyacht?

13 A. Adam Vanderyacht is director of
14 facilities.

15 Q. So what is -- what's his role
16 in all this?

17 A. This document is referenced to,
18 again, the facilities staff. We had put
19 some people on furlough during the shutdown
20 so, like, from my recollection, this
21 document was to serve as a sort of
22 step-by-step -- or at least a general
23 step-by-step process as far as reactivating
24 furloughed facility technicians to the
25 clubs, getting them into the clubs safely

1 Dan Larson
2 to where they can start doing a full
3 walkthrough of the clubs, make sure
4 everything is operational and safe prior to
5 bringing the regular staff back into the
6 clubs.

7 Q. Well, it's a little more than
8 that, right? I'm reading the first
9 sentence of the actual document, and it
10 says:

11 "This process outlines the
12 steps the Facilities Corporate team will
13 take to ready the clubs for reopening
14 following the COVID-19 shut down."

15 A. The facility staff is going to
16 get ready to reopen. The context behind
17 that is we didn't have -- you know, the
18 clubs had been closed, except for minimum
19 basic operations. So as we were bringing
20 back the facilities staff, there were some
21 things that we wanted to make sure that
22 they covered for the health and safety of
23 all members and team members prior to
24 opening up to the general public.

25 Q. And there's a list in here of

1 Dan Larson

2 A. That would be my understanding.

3 Q. So there's nothing that happens

4 to the equipment or to the physical

5 facility as a result of COVID being present

6 that can't be cleaned off?

7 A. I can't speak to -- can you

8 clarify as far as what you mean by damage

9 to the equipment?

10 Q. I don't think I -- I don't

11 think I used the word "damage." I just

12 said there's nothing that happens to the

13 physical facility or the equipment as a

14 result of COVID being present that can't be

15 cleaned off?

16 MR. O'CARROLL: Objection to

17 form.

18 A. With the information that we

19 had at the time, that is most accurate.

20 Q. Is that still your

21 understanding?

22 A. That is.

23 Q. So the expense that's involved

24 in cleaning up or removing or disposing of

25 any COVID virus that's present is the

1 Dan Larson

2 C E R T I F I C A T E

3

4 STATE OF NEW YORK)

5 : ss

6 COUNTY OF BRONX)

7

8 I, ROBERTA CAIOLA, a Certified
9 Shorthand Reporter, do hereby certify:

10 That DAN LARSON, the witness whose
11 deposition is hereinbefore set forth, was
12 duly sworn by me and that such deposition
13 is a true record of the testimony given by
14 the witness.

15 I further certify that I am not
16 related to any of the parties to this
17 action by blood or marriage, and that I am
18 in no way interested in the outcome of this
19 matter.

20 IN WITNESS WHEREOF, I have hereunto
21 set my hand on May 9, 2022

22 Roberta Caiola

23

24 ROBERTA CAIOLA